

## **Remarks**

### **I. Introduction**

This is in response to the Final Office Action dated January 14, 2008. The Final Office Action rejected claims 2-16 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Patent Cooperation Treaty (PCT) Patent No. WO 97/47119 (Hansson) in view of EP Patent Application EP 0709997 (Baechle) and further in view of U.S. Patent Publication No. 2006/0215029 (Katz).

In response, Applicants have amended claims 2-5, 12, 13, 15, 16, 20, and 21. Claims 1 and 17-18 were previously canceled. Claims 2-16 and 19-21 remain for consideration, of which claims 13 and 21 are the only independent claims.

In response to the finality of the Office Action, Applicants submit this Amendment with a Request for Continued Examination (RCE).

### **II. Rejections under 35 U.S.C. §103**

Claims 2-16 and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hansson in view of Baechle and further in view of Katz. In response, Applicants have amended claims 2-5, 12, 13, 15, 16, 20, and 21. No new matter was added by these amendments. Support for these amendments may be found in Applicants' Specification at least at page 7, line 154 to page 8, line 176.

Applicants respectfully submit that the cited references do not show all of the limitations of independent claims 13 and 21 as amended and that the present claims are not obvious in view of these references.

Independent claim 21, as amended, recites "downloading said A/V file from said sender to a server associated with the recipient data network address via said data network during said voice connection." Independent claim 13 recites similar features. That is, an audiovisual file (e.g., a HTML document) originally stored at a user's computer is downloaded to a server associated with a recipient. The direction (e.g., pointer) to the server location is given by the

"recipient data network address." Hansson, Baechle, and Katz fail to show this claim limitation.

In the present Final Office Action, the Examiner points to Hansson, page 19, line 25 to page 20, line 2 and page 23, line 28 to page 24, line 26 to show "transmitting information from the sender to the recipient data network address." Applicants have amended this limitation of independent claim 21 to now recite "downloading said A/V file from said sender *to a server* associated with the recipient data network address" (emphasis added) and respectfully submit that the structures pointed to in the Final Office Action and the arguments presented in connection with the Hansson reference are now moot.

Further, Applicants point out that the IP access server 12 of Hansson shown in the cited sections appears to be a conventional IP access server and is not configured to download an audiovisual file from a sender for use at a recipient's device. Therefore, Hansson's device does not appear to disclose the features of the present independent claims 21 and 13.

Even further, while Hansson does disclose a telephony server 15 coupled to User B (e.g., a recipient), Hansson's telephony server is "intended to communicate with a telephony application 50c (Fig 3b) in the NT 5" and is used to "create a relation (call) between instances in both entities" (Hansson, page 10, lines 28-30). That is, the telephony server of Hansson is used to connect telephone calls and is not a location for "downloading said A/V file from said sender" as claimed in amended independent claim 21 and similarly in amended independent claim 13.

Accordingly, Applicants respectfully submit that Hansson fails to show the limitations of amended independent claims 21 and 13. Applicants further submit that neither Baechle nor Katz cure the deficiencies of Hansson. That is, these additional references do not appear to show "downloading said A/V file from said sender to a server associated with the recipient data network address via said data network during said voice connection," as recited in amended independent claim 21 and similarly in amended independent claim 13, and the present Final

Office Action offers no indication of where these or other references could show such a feature.

As discussed above, the cited references fail to show or suggest the claim limitations of independent claims 13 and 21 and these limitations are not obvious in view of the references. Therefore, Applicants respectfully request reconsideration and withdrawal of the §103 rejections of independent claims 13 and 21.

Dependent claims 2-12, 14-16, and 19-20 depend upon an allowable independent claim and are therefore also allowable. Therefore, Applicants respectfully request reconsideration and withdrawal of the §103 rejections of dependent claims 2-12, 14-16, and 19-20.

### III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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